
SENATE BILL No. 377

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-4-0.5; IC 25-34.1-8.

Synopsis: Real estate appraisers. Requires that continuing education for real estate appraisers be approved by the Appraiser Qualifications Board. Provides that a person may not conduct, solicit, or accept student enrollment for a real estate appraiser school or course represented as satisfying the requirements of the real estate appraiser licensure board without approval of the school or course by the Appraiser Qualifications Board. Repeals a provision that requires a person to submit certain items to the real estate appraiser licensure and certification board to obtain approval of a real estate appraiser course.

Effective: July 1, 2007.

Becker

January 11, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 377

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-1-4-0.5, AS ADDED BY P.L.157-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

(1) that is approved by:

(A) an approved organization or the board **for a profession or occupation other than a real estate appraiser; or**

(B) **the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, for a real estate appraiser; and**

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

SECTION 2. IC 25-34.1-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A person who:

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(1) performs:

(A) the acts of a licensed real estate appraiser without a license; or

(B) the acts of a certified real estate appraiser without a certificate; or

(2) conducts or solicits or accepts enrollment of students for a course as prescribed in IC 25-34.1-3-10 without course approval

as required by section 13 of this chapter;

commits a Class B infraction. When a judgment is entered for an offense under this section, the court shall add to any fine imposed the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.

(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, a party seeking relief must allege and prove that at the time the cause of action arose the party was not in violation of this section.

(c) The attorney general, the board, or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state of Indiana to enjoin a person from violating this section.

(d) In charging any person in a complaint for a judgment or an injunction for the violation of this section, it is sufficient, without averring any further or more particular facts, to charge that the person upon a certain day and in a certain county:

(1) acted as:

(A) a ~~certified~~ **certified** real estate appraiser without a certificate; or

(B) a licensed real estate appraiser without a license; or

(2) conducted, or solicited or accepted enrollment of students for a real estate appraiser course without course approval.

(e) Each enforcement procedure established in this section is supplemental to other enforcement procedures established in this section.

SECTION 3. IC 25-34.1-8-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. ~~(a)~~ A person may not conduct, solicit, or accept student enrollment for a real estate appraiser school or course represented as satisfying the requirements of the board without approval of the school or course by the ~~board~~. **Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.).**

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(b) The approval of a school and course expires January 1 of each year. To obtain renewal of approval of a school or course, a school must submit a letter requesting approval or renewal to the board.

(c) A school conducting an approved course shall allow the board to inspect the school's records and facilities. A school shall report any significant proposed change in curriculum, faculty, or facilities to the board at least thirty (30) days before the change. A change is not effective unless the change is approved by the board.

(d) The board may deny, suspend, or revoke approval of a school or course if the board determines that the school or course does not comply with the requirements established:

(1) under the federal act;

(2) by federal regulations; and

(3) by the commission as recommended by the board.

SECTION 4. IC 25-34.1-8-14 IS REPEALED [EFFECTIVE JULY 1, 2007].

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